

EXHIBIT 1

(Initial Demand)

From: Denise L. Mendoza
Sent: Tuesday, April 4, 2023 10:47 AM
To: 'rod@adacocacola.com' <rod@adacocacola.com>
Cc: Benjamin L. Wallen <bwallen@pszjlaw.com>
Subject: Mountain Express Oil Company

Please see attached correspondence from Benjamin Wallen.

Thank you.

Denise L. Mendoza
Legal Secretary
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Benjamin L. Wallen

April 4, 2023

713.691.9385
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Via Federal Express and email

Frank R. Crabtree, Jr.
Registered Agent
Ada Coca-Cola Bottling Company
1205 Cradduck Rd.
Ada, OK 74820

Ada Coca-Cola Bottling Company
Attn: Rod Dillard
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Ada, OK 7482
rod@adacocacola.com

Ada Coca-Cola Bottling Company
P.O. Box 1607
Ada, OK 74820

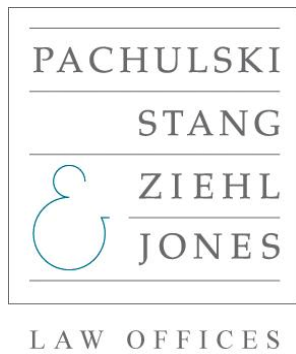
**Re: In re Mountain Express Oil Company, Case No.
23-90147 (Bankr. S.D. Tex.)**

To Whom it May Concern:

As you are aware, and as more fully discussed below, Mountain Express Oil Company and certain of its affiliates (collectively, the “Debtors”) filed for relief on March 18, 2023 (the “Petition Date”) in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (the “Bankruptcy Court”).

As you may be aware, pursuant to section 362(a) of the Bankruptcy Code¹ (the “Automatic Stay”), *inter alia*, all actions to repossess or exercise control over the Debtors’ property, including property in the possession of the Debtors, is prohibited following the Petition Date.

¹ As used herein, the “Bankruptcy Code” refers to 11 U.S.C. §§ 101 *et seq.*



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April 4, 2023
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In response to reports from the Debtors that certain vendors had or expressed an intent to remove certain property from the Debtors' premises, on March 23, 2022, the Debtors apprised the Bankruptcy Court of the actions taken or threatened to be taken by such parties. Following that hearing, the Bankruptcy Court issued the *Order Regarding Violations of the Automatic Stay* [Docket No. 119]² (the "Stay Violation Order") and the *Order (I) Restating and Enforcing the Worldwide Automatic Stay, Anti-Discrimination Provisions, and Ipso Facto Protections of the Bankruptcy Code* [Docket No. 127] (the "Automatic Stay Order"). A true and correct copy of the Stay Violation Order and the Automatic Stay Order are attached hereto as **Exhibit 1** and **Exhibit 2**, respectively.

On March 24, 2023, the agents of Ada Coca-Cola Bottling Co. ("ACC" or "You") arrived at the premises operated by the Debtors located at 601 S Mississippi Avenue, Ada, Oklahoma 74820 (the "Premises") and took possession of certain equipment (the "Equipment") located thereon. More particularly, ACC caused and directed the removal of two stand-alone coolers, one with Coca-Cola branding and another with Monster Energy branding, as well as a large two-door Coca-Cola branded cooler from the Debtors' Premises. When AAC's agents took possession of the Equipment, they were provided a copy of the Court's Stay Violation Order, which they refused to take notwithstanding the Debtors' request that they do so, and, accordingly, ignored.

The foregoing actions, conducted by ACC were taken in violation of the Automatic Stay and the Stay Violation Order. The Debtors are continuing to investigate the circumstances concerning ACC's removal of the Equipment from the Debtors' Premises and reserves the right to supplement this correspondence with any additional facts it learns.

ACC's violations of the Automatic Stay and the Bankruptcy Court's Stay Violation Order remain ongoing and uncured. The Debtors' damages as a result of ACC's unlawful conduct continue to accrue, including damages related to the disruption of the Debtors' operations and the accrual of legal and other fees and expenses related to these

² References to Docket Numbers herein are intended to refer to the docket numbers in the Bankruptcy Cases, which are available at <https://www.kccllc.net/mountainexpressoil>.



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violations. The Debtors intend to seek recoveries of all such amounts, including such fees and expenses, from AAC as a result of its violation of the Automatic Stay and Court Orders.

In accordance with the terms of the Stay Violation Order, ACC must return all Equipment taken from the Debtors' premises immediately and at ACC's sole cost and expense. Should the Equipment not be returned in the same condition in which it was taken no later than 5:00 p.m. (Central Time) on April 7, 2023 (the "Deadline"), the Debtors intend to seek an emergency order to show cause, as well as the imposition of coercive and compensatory sanctions (including legal fees and expenses) from the Bankruptcy Court as soon as April 11, 2023.

Please take further notice that the Stay Violation Order requires the Responsible Parties to appear, in person, before the Bankruptcy Court at any such hearing under the Stay Violation Order. The Bankruptcy Court is located in Courtroom 400, 515 Rusk Ave., Houston, Texas 77002. The Stay Violation Order further provides "[t]he failure to appear at the hearing may result in the issuance of a bench warrant."

Please immediately contact the undersigned regarding ACC's compliance with its obligations, including those related to the Stay Violation Order and the return of the Equipment.

Very truly yours,

/s/ Benjamin L. Wallen

Benjamin L. Wallen

BLW

EXHIBIT 1

ENTERED

March 23, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	CASE NO: 23-90147
MOUNTAIN EXPRESS OIL COMPANY,	§	CHAPTER 11
	§	David R. Jones
Debtors.	§	Jointly Administered

ORDER REGARDING VIOLATIONS OF THE AUTOMATIC STAY

During a hearing on March 23, 2023, the Debtors informed the Court that certain vendors/creditors have engaged in self-help activities after the filing of the bankruptcy case by removing items from the Debtors' business locations. Such actions would appear to intentionally violate 11 U.S.C. § 362(a)(3) and/or (a)(6). If true, such actions could result in the imposition of compensatory and coercive sanctions. Any party that has engaged in such an action shall return all items taken to the specific location from which the items were taken at its sole expense within 48 hours of receiving a copy of this Order. The failure to comply with this order may constitute a separate violation of a court order. Should the Debtors seek relief against any person or entity that has violated the automatic stay or this order, such person or entity shall be required to attend a hearing in person before the Court in Houston, Texas. The failure to appear at the hearing may result in the issuance of a bench warrant.

SIGNED: March 23, 2023.



DAVID R. JONES

UNITED STATES BANKRUPTCY JUDGE



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GZJ DKV'4

ENTERED

March 24, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

MOUNTAIN EXPRESS OIL COMPANY, et al.,

Debtors.¹

Chapter 11

Case No. 23-90147 (DRJ)

(Jointly Administered)

**ORDER (I) RESTATING AND ENFORCING THE WORLDWIDE
AUTOMATIC STAY, ANTI-DISCRIMINATION PROVISIONS,
AND *IPSO FACTO* PROTECTIONS OF THE BANKRUPTCY CODE**

Upon the *ex parte* oral motion (the “Motion”)² of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for entry of an order (this “Order”), (a) restating and enforcing the worldwide automatic stay, anti-discrimination provisions, and *ipso facto* protections of the Bankruptcy Code; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that it may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors’ estates, their creditors, and other parties in interest; and this Court having heard the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for

¹ A complete list of each of the Debtors in these Chapter 11 cases may be obtained on the website of the Debtors’ proposed claims and noticing agent at www.kcellc.net/mountainexpressoil. The location of Debtor Mountain Express Oil Company’s principal place of business and the Debtors’ service address in these Chapter 11 cases is 3650 Mansell Road, Suite 250, Alpharetta, GA 30022.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.



the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is hereby **GRANTED**, as set forth herein.

2. Subject to section 362 of the Bankruptcy Code, all persons (including individuals, partnerships, corporations, and other entities and all those acting on their behalf) and governmental units, whether of the United States, any state or locality therein or any territory or possession thereof, or any non-U.S. jurisdiction (including any division, department, agency, instrumentality or service thereof, and all those acting on their behalf), are hereby stayed, restrained and enjoined from:

- a. commencing or continuing (including the issuance or employment of process) any judicial, administrative, or other action or proceeding against the Debtors that was or could have been commenced before the commencement of the Debtors' Chapter 11 Cases or recovering a claim against the Debtors that arose before the commencement of the Debtors' Chapter 11 Cases;
- b. enforcing, against the Debtors or against property of their estates, a judgment or order obtained before the commencement of the Debtors' Chapter 11 Cases;
- c. taking any action, whether inside or outside the United States, to obtain possession of property of the Debtors' estates, wherever located, or to exercise control over property of the Debtors' estates or interfere in any way with the conduct by the Debtors of their businesses, including, without limitation, attempts to interfere with deliveries or events or attempts to arrest, seize, or reclaim any equipment, supplies, or all other assets in which the Debtors have legal or equitable interests;
- d. taking any action to create, perfect, or enforce any lien against the property of the Debtors' estates;
- e. taking any action to create, perfect, or enforce against property of the Debtors any lien to the extent that such lien secures a claim that arose prior to the commencement of the Debtors' Chapter 11 Cases;
- f. taking any action to collect, assess, or recover a claim against the Debtors that arose prior to the commencement of the Debtors' Chapter 11 Cases;

- g. offsetting any debt owing to the Debtors that arose before the commencement of the Debtors' Chapter 11 Cases against any claim against the Debtors; and
- h. commencing or continuing any proceeding concerning the Debtors, subject to the provisions of 11 U.S.C. § 362(b).

3. Pursuant to sections 362 and 365 of the Bankruptcy Code, notwithstanding a provision in a contract or lease or any applicable law, all persons are hereby stayed, restrained, and enjoined from terminating or modifying any and all contracts and leases to which the Debtors are party or signatory, at any time after the commencement of these cases because of a provision in such contract or lease that is conditioned on the (a) insolvency or financial condition of the Debtors at any time before the closing of these cases or (b) commencement of these cases under the Bankruptcy Code. Accordingly, all such persons are required to continue to perform their obligations under such leases and contracts during the postpetition period.

4. Pursuant to section 525 of the Bankruptcy Code, all governmental units and other regulatory authorities are prohibited and enjoined from: (a) denying, revoking, suspending, or refusing to renew any license, permit, charter, franchise, or other similar grant to the Debtors; (b) placing conditions upon such a grant to the Debtors; or (c) discriminating against the Debtors with respect to such a grant, solely because the Debtors are debtors under the Bankruptcy Code, may have been insolvent before the commencement of these Chapter 11 Cases, or are insolvent during the pendency of these Chapter 11 Cases. For the avoidance of doubt, this Order does not expand or enlarge the rights afforded to the Debtors under the Bankruptcy Code.

5. Nothing in this Order or the Motion shall constitute a rejection or assumption by the Debtors, as debtors in possession, of any executory contract or unexpired lease.

6. This Order remains subject to section 362 of the Bankruptcy Code, including its exceptions. This Order shall not affect the exceptions to the automatic stay contained in Section

362(b) of the Bankruptcy Code or the right of any party in interest to seek relief from the automatic stay in accordance with Section 362(d) of the Bankruptcy Code.

7. Notwithstanding anything in the Bankruptcy Code or Rules to the contrary, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

8. The Debtors are authorized to take all actions necessary or appropriate to effectuate the relief granted in this Order in accordance with the Motion.

9. This Court retains exclusive jurisdiction and power with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Signed: March 24, 2023.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE



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		Delivery date:	Apr 5, 2023 13:15

Shipping Information:

Tracking number:	771754008138	Ship Date:	Apr 4, 2023
		Weight:	0.5 LB/0.23 KG

Recipient:
Frank R. Crabtree, Jr., Registered Agent
1205 Cradduck Rd.
ADA, OK, US, 74820

Shipper:
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		Weight:	0.5 LB/0.23 KG

Recipient:

Ada Coca-Cola Bottling Company, Ada Coca-Cola Bottling Company
1205 Cradduck Rd.
ADA, OK, US, 74820

Shipper:

Luis Rodriguez, PSZ&J
10100 Santa Monica Blvd
Suite 1300
Los Angeles, CA, US, 90067

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